

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re: DEPUY ORTHOPAEDICS, INC.)	MDL 2545
PINNACLE HIP IMPLANT PRODUCTS)	
LIABILITY LITIGATION)	MDL Docket No.: 3:11-md-2244
)	
This Document Relates To: ALL CASES)	
)	Honorable Ed Kinkeade
)	
)	

**MOTION IN OPPOSITION TO INCREASING HOLDBACK PERCENTAGE
TO 25 PERCENT**

This Court established in its Order of August 29, 2018, a 10 percent Holdback Order. Plaintiffs now seek to object to that 10 percent Holdback Order. Their objection is premature and in opposition to the Court's conservative preliminary holdback percentage set only three months ago.

Settling Plaintiffs' attorney "Nash" objects to increasing the Court's previously established 10 percent Holdback Order to 25 percent for the reason the increase will make settlement of this matter very difficult as it will reduce settling Plaintiffs' fees and their parties' recoveries beyond the point where settlement would be attractive to them.

Increasing the 10 percent Holdback Fund would increase the difficulty of settlement, also, which would be contrary to the purpose of the Multiple District Litigation (MDL). Settling plaintiffs should not be taxed for future costs as they will not share in the fruits of the labor. Meanwhile, the common benefit fund will benefit immediately from the settlement. The proposed settlement should mitigate costs and encourage others to participate. For many elderly claimants, money now is more important than more money later. Each firm must consider the best interest of its individual clients.

Lead counsel and contributing firms' services and talents are much appreciated and compensated. The amount of the confidential settlement agreement is irrelevant and unnecessary to this issue as it was not determined when the temporary holdback percentage was originally set either. The proposed settlement amounts were substantial enough to induce Settling Plaintiffs.

For the above reasons Settling Plaintiff 's attorney "Nash" objects to increasing the Holdback Fund from 10 percent to 25 percent.

Dated: 12/14/2018

/s/ Joel A. Nash
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CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2018, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

Dated this 14th day of December, 2018.

/s/ Joel A. Nash
JOEL A. NASH, ESQ.